

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***IN VIVO* PRODUCTION OF ssDNA USING REVERSE TRANSCRIPTASE WITH PREDEFINED REACTION TERMINATION VIA STEM-LOOP FORMATION**

the specification of which:

☐ is attached hereto.

☒ was filed on September 16, 1999 as application Serial No. 09/397,782.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day, Month, Year)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day, Month, Year)	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/169,793</u>	<u>October 9, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
<u>08/877,251</u>	<u>June 17, 1997</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
<u>08/236,504</u>	<u>April 29, 1994</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

I hereby appoint Mark R. Wisner, Registration No. 30,603, of the firm of Wisner & Associates, 2925 Briarpark, Suite 930, Houston, Texas 77042, as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby direct that all correspondence and telephone calls be addressed to Mark R. Wisner, c/o Wisner & Associates, 2925 Briarpark, Suite 930, Houston, Texas 77042, (713) 785-0555.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issued thereon.

FULL NAME OF THE INVENTOR: Charles A. Conrad

SOLE INVENTOR'S SIGNATURE: 

RESIDENCE ADDRESS: 8496 W. 116th Street
Overland Park, KS 66210

POST OFFICE ADDRESS: 8496 W. 116th Street
Overland Park, KS 66210

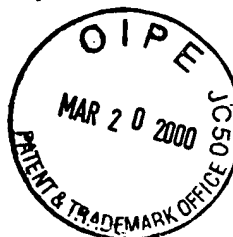
CITIZENSHIP: United States of America

DATE: Feb 28, 2000

ADDITIONAL JOINT INVENTOR(S) LISTED ON ATTACHED SHEET? ☐ Yes ☒ No

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles A. Conrad § Atty. Docket No.: INGA,004/CIP
Serial No.: 09/397,782 § Examiner: Unknown
Filed: September 16, 1999 §
For: **IN VIVO PRODUCTION** § Group Art Unit: 1614
OF ssDNA USING REVERSE §
TRANSCRIPTASE WITH §
PREDEFINED REACTION §
TERMINATION VIA STEM- §
LOOP FORMATION §



COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

Mark R. Wisner, Registration No. 30,603

March 7, 2000
Date

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c))
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Cytogenix, Inc.
ADDRESS OF CONCERN: 9881 South Wilcrest
Houston, TX 77099

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.1301 *et seq.* for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **IN VIVO PRODUCTION OF ssDNA USING REVERSE TRANSCRIPTASE WITH PREDEFINED**

REACTION TERMINATION VIA STEM-LOOP FORMATION by inventor Charles A. Conrad described in the above-identified patent application.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

FULL NAME: InGene, Inc.
ADDRESS: 8496 West 116th St.
Over Land Park, KS 66210

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: March 3, 2000

Signature: Malcolm H. Skolnick
Malcolm H. Skolnick, President
Cytogenix, Inc.

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Charles A. Conrad

Atty. Docket No.:

INGA,004/CIP

Serial No.: 09/397,782

Examiner:

Unknown

Filed: September 16, 1999

For:

**IN VIVO PRODUCTION
OF ssDNA USING REVERSE
TRANSCRIPTASE WITH
PREDEFINED REACTION
TERMINATION VIA STEM-
LOOP FORMATION**

Group Art Unit:

1614



COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

Mark R. Wisner, Registration No. 30,603

3/7/00
Date

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(b))
INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b) to the Patent and Trademark Office with regard to the invention entitled **IN VIVO PRODUCTION OF ssDNA USING REVERSE TRANSCRIPTASE WITH PREDEFINED REACTION TERMINATION VIA STEM-LOOP FORMATION** described in the above-identified patent application.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d), or to a nonprofit organization under 37 C.F.R. §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

FULL NAME: InGene, Inc.
ADDRESS: 8496 West 116th St.
Over Land Park, KS 66210

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

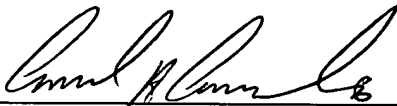
FULL NAME: Cytogenix, Inc.
ADDRESS: 9881 South Wilcrest
Houston, TX 77099

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: Feb 28, 2000

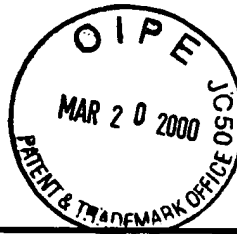
Signature: 
Charles A. Conrad

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles A. Conrad
Serial No.: 09/397,782
Filed: September 16, 1999
For: **IN VIVO PRODUCTION
OF ssDNA USING REVERSE
TRANSCRIPTASE WITH
PREDEFINED REACTION
TERMINATION VIA STEM-
LOOP FORMATION**

§
§
§
§
§
§
§
§
§
§
§

Atty. Docket No.: INGA,004/CIP
Examiner: Unknown
Group Art Unit: 1614



COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

Mark R. Wisner, Registration No. 30,603

3/7/00
Date

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c))
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: InGene, Inc.
ADDRESS OF CONCERN: 8496 W. 116th Street
Over Land Park, KS 66210

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.1301 *et seq.* for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **IN VIVO PRODUCTION OF ssDNA USING REVERSE TRANSCRIPTASE WITH PREDEFINED**

REACTION TERMINATION VIA STEM-LOOP FORMATION by inventor Charles A. Conrad described in the above-identified application.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

FULL NAME: Cytogenix, Inc.
ADDRESS: 9881 South Wilcrest
Houston, TX 77099

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: Feb 28, 2000

Signature: Charles A. Conrad, President
Charles A. Conrad, President
InGene, Inc.